

AFIT/GTM/LAC/99S-2

A COMPARISON OF DEPARTMENT OF DEFENSE  
AND PRIVATE SECTOR FRATERNIZATION POLICIES

THESIS

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THESIS

Presented to the Faculty of the Graduate School of Logistics  
and Acquisition Management of the Air Force Institute of Technology

Air University

Air Education and Training Command

In Partial Fulfillment of the Requirements for the  
Degree of Master of Science in Transportation Management

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September 1999

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## **Acknowledgments**

I would like to express my sincere appreciation to my thesis advisor, Dr. Kirk Vaughan, and my thesis reader, Dr. Guy Shane, for all their guidance and support throughout the course of this thesis effort. Their insight and experience were certainly appreciated.

I am also indebted to Dr. Charles A. Pierce, a human resource professional and professor at Montana State University-Bozeman, for all his contributions during the writing of this thesis. Dr. Pierce went out of his way to provide me with several surveys and research articles that provided an abundance of critical information needed to draw a comparison between how the Department of Defense and the private sector regulate fraternization.

Most importantly, I would like to express my appreciation to my wife, Kelly, whose unwavering love, understanding, and sacrifice allowed me to focus on my studies at AFIT. Although, I did not spend as much time with my new wife as I would have liked during the last fifteen months, she was always with me in spirit and made this endeavor tolerable.

Jeffrey L. Frye

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## Abstract

On 3 February 1999 the Secretary of Defense approved a single service fraternization policy. The policy bans relationships between officers and enlisted people of all services, and in the process overturned the Army's policy allowing relations between officers and enlisted, as long they were not in the same chain of command. The new policy, and fraternization in general, has been recently criticized by the Army, members of Congress, and many in the private sector.

This thesis explores how the new Department of Defense fraternization policy compares with fraternization policies in use in the private sector. To examine this issue, a detailed discussion of the military and non-military position on fraternization is provided, specifically the non-military position towards workplace romances or dating between co-workers. This thesis then looks at the findings of several studies, surveys, and inquiries to determine how fraternization is currently regulated in the private sector. The results of this study show a majority of commercial organizations do not have written policies prohibiting employee relationships, whether they are peer-peer or supervisor-subordinate relationships. Results of the findings show that the private sector discourages supervisor-subordinate relationships only and tends to ban such relationships if the two persons are in the same chain of command. On the other hand, the new Department of Defense policy bans supervisor-subordinate relationships no matter if the supervisor is an officer or enlisted and regardless of chain of command. Such findings indicate that the Department of Defense and the private sector do not have similar policies in place to regulate fraternization.

# **A COMPARISON OF DEPARTMENT OF DEFENSE AND PRIVATE SECTOR FRATERNIZATION POLICIES**

## **I. Background**

### **General Issue/Problem**

In June of 1997 Secretary of Defense William Cohen ordered a review of fraternization policies for every branch of the military. A review was necessary in the wake of a number of sexual harassment lawsuits involving military trainers and female recruits, and several adultery cases, including the case of 1Lt Kelly Flinn. At the time, the individual services did not have a uniform fraternization policy. The Army permitted dating between officers and enlisted as long as the soldiers involved were not in the same chain of command and the relationship did not disrupt good order and discipline. The Air Force, Navy and Marines restricted such behavior altogether.

After a yearlong review and several months of high-level discussions on implementation, the Secretary of Defense approved a single service fraternization policy on 3 February 1999. Banned under the new policies are relationships between officers and enlisted people of all services, including:

- Dating
- Intimate or sexual relations
- Business enterprises
- Commercial solicitations
- Gambling
- Borrowing
- Personal relationships between instructors and initial entry trainees

The Air Force is taking the extra step of banning relationships between military members and civilian Air Force employees within the workplace if the relationships erode good order and discipline (Mathews, 1999:5).

The Department of Defense says the new policy will not affect existing marriages between officers and enlisted troops. In the Army, officers and enlisted troops dating each other will have to decide whether to marry or end the relationship, possibly as soon as 1 October 1999. Implementation of the new policy will finally bring the Army into line with practices long observed by the Air Force, Navy and Marines.

Many in the Army insist there is nothing wrong with the old policy. Dissenting opinions towards the new fraternization policy have also come from many other people, particularly in the civilian sector. Senate Majority Leader Trent Lott has expressed his displeasure with how the Pentagon is regulating fraternization; others have expressed the idea that the "military is preaching Victorian values in the Age of Aquarius, that the standards are unrealistic when contrasted with contemporary mores" ("Military Keeps Rules on Contact," 1998:2).

Prohibiting fraternization in general has also come under fire. People like Major General Jeanne Holm believe the purpose of prohibiting fraternization is to maintain a caste system, where officers are forbidden from associating with subordinates only to maintain the privileged social position of the former (Russell, 1998: 1). Holm also contends that the current policies were inherited through tradition and are currently justified through the guise of maintaining good order and discipline.

In general, public reaction has questioned the need for the fraternization policies of the armed services. To explore this difference in opinion further, we will examine

how civilian organizations regulate fraternization. Like the military, civilian organizations also have to deal with relationships among members of their workforces, specifically between supervisors and subordinates, which are similar to officer/enlisted working relationships. Such relationships can potentially lead to a variety of problems including loss of productivity, demoralized co-workers, and sexual harassment lawsuits. If such potential problems exist, it is reasonable to assume that businesses and corporations would want to take steps to ensure such problems do not occur.

Thus, the new proclamation by Secretary Cohen, the opinions against it, and the need for civilian organizations to regulate workplace relationships raise the question of whether the military's practice of regulating fraternization is similar to how fraternization is regulated in the private sector.

### **Research Question**

The research question for this study is "How does the current Department of Defense fraternization policy compare with fraternization policies in use in the private sector?" The following investigative questions will provide the information necessary to answer this question.

### **Investigative Questions**

1. *Do civilian organizations regulate fraternization or employee relations?* This information is used to determine how civilian or private sector businesses view fraternization and whether it is important enough to regulate or prohibit.
2. *Do different areas of the private sector handle fraternization or employee relationships differently than other areas?* This information is used to determine if

the particular "mission" of a civilian organization determines the degree to which fraternization is regulated. This information is also used to find out how different organizations with strict fraternization or dating policies discipline or punish workers involved in such relationships.

## **Scope**

**Fraternization.** The scope of this study is limited to fraternization or relationships between males and females. It is also limited to specific fraternization involving dating or sexual relations. The aim of this thesis is descriptive, not prescriptive. Operational issues, such as the best way to implement fraternization policies, are not addressed. Detailed legal analysis is not addressed; however, several legal sources are cited in a brief discussion analyzing how employee relations can be regulated or prohibited in the private sector.

**Civilian Organizations.** To make a valid comparison between the fraternization policies of civilian organizations and the military, it is useful to examine the policies of organizations similar in size, mission, and organization to the military. Since the Department of Defense is a federal organization, it is helpful to look at other federal or government agencies, like the Internal Revenue Service or United States Post Office, to determine if such agencies have similar fraternization policies. Although the military has a unique mission (provide national security), other organizations in society are also required to serve and protect the public and have a regimented organizational structure. Thus, the fraternization policies of local and state police forces provide information relevant to our investigation.

Despite the importance of examining organizations similar to the military, it is also useful to study a wide variety of civilian organizations to find any overall patterned regularities or trends regarding fraternization or dating policies in the private sector. However, not every civilian organization is relevant to this investigation. For example, small businesses consisting of a small number of employees most likely do not have a need for a fraternization policy and therefore would not provide any useful feedback for this study. For the purposes of this thesis, organizations should have both men and women as employees, have a corporate or rank structure consisting of managers and regular employees/laborers, and have approximately twenty or more employees. Organizations that meet these criteria most likely have a legitimate concern for fraternization and can provide the information necessary to make a valid comparison between civilian organization fraternization policies and the current Department of Defense policy.

## **II. Fraternization Perspectives**

The military and the private sector hold different opinions on the issue of fraternization or the regulation of employee relationships. This chapter provides a detailed discussion of the military and private sector view of fraternization. The chapter ends with a brief discussion of fraternization, specifically the regulation of employee relationships, from a legal point of view.

### **Air Force/Military Position on Fraternization**

**Historical and Current Perspective.** Fraternization is hardly a new issue for the Air Force or the Department of Defense. According to a recent study, the concept of fraternization has evolved over time and was first regulated by the Roman military (Russell, 1998). The historical purpose of prohibiting fraternization is to maintain the discipline and good order of a military organization, and to maintain the soldiers' faith in their officers by avoiding any perceptions of favoritism.

These traditional purposes for prohibiting fraternization are still used today to justify current Air Force regulations regarding fraternization. Fraternization is considered an unprofessional relationship by the United States Air Force and has been regulated by Air Force Instruction 36-2909 since 1 May 1996. The purpose of this document is to identify command, supervisory and personal responsibilities for maintaining professional relationships among Air Force members, among Air Force members and Department of Defense civilian employees, and among Air Force members

and members of other uniformed services (AFI 36-2909, 1996:1). According to this instruction, a relationship is considered unprofessional when:

It detracts from the authority of superiors or results in, or reasonably creates the appearance of favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between officers, between enlisted members, between officers and enlisted members, and between military personnel and members of the civilian employee work force. (AFI 36-2909, 1996:2.2)

AFI 36-2909 considers fraternization an aggravated form of unprofessional relationships and defines it as:

A personal relationship between an officer and an enlisted member which violates the customary bounds of acceptable behavior in the Air Force and prejudices good order and discipline, discredits the armed services, or operates to the personal disgrace or dishonor of the officer involved. The custom recognizes that officers will not form personal relationships with enlisted members on terms of military equality, whether on or off-duty. (AFI 36-2909, 1996:2.2.1)

According to the regulation, officers are specifically prohibited from:

- Gambling with enlisted members
- Borrowing money from or otherwise become indebted to enlisted members
- Engaging in sexual relations with or date enlisted members. Dating, as set out here, includes not only traditional, prearranged, social engagements between two members, but also includes more contemporary social activities which would reasonably be perceived to be a substitute for traditional dating. (AFI 36-2909, 1996:4)

Fraternization extends to all officer/enlisted relationships because it can potentially damage good order, discipline, morale, and unit cohesion even when the members involved are not in the same chain of command or unit. For such reasons, it is recognized as a violation of Article 92 and Article 134 of the Uniform Code of Military Justice (UCMJ). Article 92 is used to punish violations of regulations (Manual for Courts-Martial United States 1995:IV-93), while Article 134 is a general article that addresses offenses not listed elsewhere in the UCMJ. Article 134 states:



Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. (Manual for Courts-Martial United States 1995: IV-93)

Article 92 of the UCMJ states that:

Any person is subject to this chapter who—

- (1) violates or fails to obey any lawful general order or regulation;
- (2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his/her duty to obey, fails to obey; or
- (3) is derelict in the performance of his duties; shall be punished as the court-martial may direct. (Manual for Courts-Martial United States 1995:IV-23)

Article 92 is used to prosecute fraternization when it is clearly defined by a regulation, such as AFI 36-2909. When combined with other offenses such as disobeying a lawful order or allegedly lying under oath, a person charged with fraternization today could face up to 25 years in jail. However, court-martial is not the first step or action to be taken to correct an unprofessional relationship or fraternization, but rather:

Action should normally be the least severe necessary to correct the relationship, giving full consideration to the impact the relationship has on the organization. Counseling, alone, or in conjunction with other options, may be an appropriate first step. Where a relationship continues in spite of counseling or other administrative action, an order to cease the relationship can and should be given. Officers who violate such orders are subject to action under the UCMJ for the violation of the order. (AFI 36-2909, 1996:5)

In sum, AFI 36-2909 specifically states not only what constitutes fraternization but also what actions could be taken against the members involved in such a relationship.

**Latest USAF Position on Fraternization.** In addition to the current regulation and UCMJ articles, on 16 June 1997, Sheila Widnall, then Secretary of the Air Force, and General Ronald R. Fogleman, then Chief of Staff, United States Air Force, issued a

memorandum attempting to further clarify the Air Force policy or position on fraternization. The memorandum, entitled "Update—Fraternization and Unprofessional Relationships," summarized the Air Force's most recent justification for prohibiting fraternization:

To maintain the trust and confidence in the decisions of officers, subordinates must believe that these decisions [to order inconvenience, hardships, and in time of war, injury or death] are motivated not on the basis of personal friendships but by what is best for the organization and accomplishment of the mission. (Fogleman and Widnall, 1997)

The current position held by the Air Force regarding fraternization is also the position of the other branches of the armed services, especially since the approval of the recent uniform service policy signed by Defense Secretary Cohen (Matthews, 1999:1).

**Most Common Form of Fraternization.** In general, fraternization is considered gender neutral. It can occur between males, between females, and between males and females. However, historically almost all of the cases of fraternization have involved relationships between males and females. In one recent case, Lieutenant Kelly Flinn, who had been counseled for fraternization with an enlisted man, was charged with disobeying an order and adultery. Another recent case involved Lieutenant Colonel Shelley Rogers, who was convicted of fraternizing with his intelligence officer (Bird, 1997:12-16). Thus, compared to the other forms of fraternization and based on the number of cases that are prosecuted, male/female fraternization occurs most frequently in today's military. Do such incidents also occur in the private sector, and if they do, how are such incidents handled?

## **Non-Military Position on Fraternization/Office Romances**

**Historical and Current Position on Office Romances.** To examine the non-military position on fraternization, we must look at the non-military position towards workplace romances or dating between co-workers. Office romances have occurred ever since men and women have worked together. According to an article by Al Gini in the Small Business Journal, the attitudes that companies have taken regarding employee dating have changed over the years. As recently as ten years ago, in businesses of all sizes, office romances were strictly forbidden (Gini, 1998:1). The rationale behind restricting office romances was (and in some instances, still is) that dating could have a negative impact on the atmosphere of the office. Dating could lead to threats to worker competence, lowered productivity, demoralized co-workers, secrecy, jealousy, tension among workers, a breakdown in efficiency, claims of invasion of privacy, and worst of all, sexual harassment lawsuits (Solomon, 1998:1). Many argued that people who see each other romantically could not and should not work together. In other words, employees need to keep their business and private lives separate.

In the late 1980s many Fortune 1000 companies not only forbade dating, but also had equally strict policies about being married to a co-worker (Gini, 1998:1). Married couples were never hired and company rules specified that if you dated (secretly, of course) and subsequently married a fellow worker, even from some other division of the organization, one of you had to quit working at the company. Many of these companies also had rules prohibiting dating and marrying someone who worked for a rival company in the same industry (Gini, 1998:1).

These rules were accepted as part of the culture of the workplace. But it appears attitudes are changing because of changing working environment. For instance, in the past women did not make up a large portion of the workforce. According to recent Bureau of Labor Statistics women now make up 46% of the workforce (Solomon, 1998:1). Recent Department of Labor statistics indicate that the average work week for both blue and white-collar workers is in excess of 50 hours, not including commuting time. Middle managers are now putting in close to 65 hours a week and many senior managers report putting in over 70 hours a week. Statistics also show people recreate or socialize less than 16 hours a week and most of this time is spent doing household chores or simply recuperating from exhaustion (Gini, 1998:2).

Given these statistics, the natural question that arises for single workers is where can I meet, greet, date and possibly mate with a person who shares my interest? The answer to this question is the workplace, currently the most likely place for Americans to meet a romantic partner (Winning, 1996:1). In fact, studies show as many as 80 percent of U.S. employees have had some sort of social-sexual experience on the job (Schmidt, 1996:1); 75 percent have actually observed or participated in a romantic relationship at work. Women are involved in twice as many romances in the workplace as men (Pierce, 1998:1727).

Prior studies have identified three commonly perceived motives for participating in a workplace romance: seeking a companion or spouse (true love motive); seeking excitement, adventure, ego satisfaction, or sexual experience (ego motive); and seeking advancement, security, power, financial rewards, lighter workloads, or increased vacation time (job-related motive) (Pierce, 1998:8). Workplace romances are typically of two

types: lateral (peer-peer) or hierarchical (supervisor-subordinate) between workers in the same or different departments. Due to these recent statistics and findings, many businesses find it nearly impossible to impede such relationships from occurring. The current philosophy among employers is you can not regulate IF it happens, but you can try to regulate WHEN and HOW it happens (Solomon, 1998:4).

**Two Professional Positions on Office Romances.** Among persons who specialize in human resource issues, there are currently two different opinions about when and how to regulate office romances. One position, held by people like Dr. Charles A. Pierce, a professor at Montana State University-Bozeman, says workplace romances can result in productive employees. Pierce and his research partner, Herman Aguinis at the University of Colorado-Denver, have come to their conclusions after combing through hundreds of articles dealing with interpersonal relationships and office organization. After surveying large, mid-sized and small organizations, they found that under certain conditions, workplace romances can increase productivity, motivation, job satisfaction and involvement. Employees often channel romantic energy into work tasks and bring increased enthusiasm and energy to their work (Schmidt, 1996:1).

Based on his findings/conclusions, Pierce believes that rather than an organization implementing a blanket policy forbidding office romances, each romance that arises needs to be evaluated on a case-by-case basis. Such thinking is based on the rationale that as long as employees are effectively performing their duties and the office relationship they may be participating in does not hamper their daily performance, there is no need to prohibit such relationships from occurring.

The other current position on employee dating is that organizations should, and have the right to, implement policies prohibiting dating in the workplace due to the problems that may ensue (mentioned earlier). Some people believe such policies are an infringement of a person's civil liberties and go against democratic principles. However, Ethan A. Winning, president of E.A. Winning Associates, Inc., a California employee relations counseling firm, believes such policies are within a corporation or organization's right because the corporate world is clearly not democratic. Even with the latest trend of "empowering" employees, someone always has more power than another. Also, dating co-workers is not protected as any kind of liberty, civil or otherwise (Winning, 1998:1).

Winning recommends using either one of two policies. First, there is the anti-nepotism policy: "While we appreciate referrals of relatives, we cannot hire when there is or will be a direct or indirect reporting relationship between the parties." The second policy, nonfraternization, is much more direct and perhaps Draconian, at least in the view of the dating population: "If a personal relationship creates conflicts of interest, causes dissension, interrupts the work flow of the parties or other employees, or creates a negative work environment, one or both parties may be asked to resign from the company" (Winning, 1998:1). If the company is large enough, the policy might read that one of the parties might be transferred to another department or location. If there are no other locations or departments where the relationship would not be perceived as engendering the same problems as in the initial policy, both parties may be asked to leave. People like Ethan A. Winning believe being forced to leave the place of

employment might be considered unfair, but it is just another condition of employment employees agree to when they join a company.

**Office Romances and Sexual Harassment.** It should also be mentioned that sexual harassment and sexual harassment claims brought against companies by employees are significant factors employers must consider when determining whether office romances should be prohibited or not. Recent studies suggest a link between workplace romance and sexual harassment. More precisely, dissolved workplace romances can foster sexually harassing behavior between former participants, perhaps due to factors such as power differentials and negative affective states (Pierce, 1997:3). The probable connection between dissolved workplace romances and sexual harassment is particularly relevant in light of a recent American Management Association survey revealing that 48 percent of workplace romances dissolve (AMA Survey, 1994).

### **Legal Position on Dating Policies and Office Romances**

As we have seen, human resource professionals hold varying opinions on what should be done about dating or fraternization in the workplace. We will now look at several legal cases involving employee-dating policies and employee relationships. As previously mentioned, when an employer adopts a nonfraternization policy, the policy is often challenged on the grounds that it invades the privacy of the employees. However, in 1995 a court considered a new type of challenge to these policies.

In *State of New York v. Wal-Mart Stores, Inc.*, Wal-Mart discharged two of its employees for violating its nonfraternization policy. This policy, which was documented in Wal-Mart's Employee Handbook, prohibited a married employee from engaging in a

“dating relationship” with another employee other than his or her spouse. New York filed suit on behalf of the two employees against Wal-Mart demanding that the employees be reinstated. The basis of New York’s claim was that Wal-Mart violated a state law which forbids employers from discriminating against employees who participate in “legal recreational activities” pursued outside of work hours. The state won its case at the trial court level, but on appeal the decision was reversed.

In reaching its decision, the appellate court concluded that Wal-Mart’s conduct fell outside the coverage of the statute. According to the appellate court, when the state enacted this statute it specifically intended to limit statutory protection to certain clearly defined categories of leisure time activities. Since dating was not included among the protected categories, the appellate court determined that Wal-Mart’s policy did not constitute infringement of a “legally recreational activity.” The court further concluded that its holding would not permit employers to infringe upon the rights of employees to engage in protected off hour pursuits by wrongly characterizing dispassionate recreational activities as dating. Specifically, the court stated that by drawing a distinction between “dating” and “recreational activities,” it was forcing employers who wish to rely on nonfraternization policies to establish not only joint activity but mutually romantic interest between employees (Pomfret, 1995:1).

Three other court decisions suggest that an employer’s responsibility to deal with a consensual relationship is quite limited. In *Jackson v. Kimel*, a communications worker brought suit against her former supervisor for allegedly coercing her into a sexual relationship. The plaintiff never reported to management that she was being pressured into the relationship, and, in fact, many coworkers believed that she and the supervisor



were having a consensual affair. The court decided that the employer was not liable for the alleged sexual harassment of the plaintiff. The court reasoned that although the employer may have knowledge of the sexual relationship, the employer was under no obligation to investigate the romance to ensure that coercion was not a factor. This decision appears to approve of organizations implementing a "Don't Ask-Don't Tell" policy when it comes to employee dating.

In *Ayers v. American Telephone & Telegraph Co.*, a manager of a retail store sued her employer for sexual discrimination after she was transferred to a less lucrative store. She alleged that she was transferred only because her supervisor wanted to promote a younger, less qualified woman, with whom he was having an affair. This "other woman" later became the supervisor's wife. The court rejected the plaintiff's discrimination argument, stating that the alleged discrimination was not based on sex, but on nepotism. The Ayers court reasoned that favoring a paramour, like favoring a best friend, affects men and women equally and thus does not violate the laws against discrimination (Drexler, 1998:1).

Similar reasoning was used in *Mundy v. Palmetto Ford, Inc.*, in which an ex-employee complained that his supervisor was favoring a female employee with whom the supervisor was sexually involved. The court stated that unlike a complaint about perceived discrimination in the workplace, a complaint about a consensual affair in the workplace is not protected by Title VII of the Civil Rights Act of 1964. The court reasoned that the term "sex," for purposes of Title VII, cannot be construed to include an ongoing, voluntary romantic engagement. Such conclusions appear to provide a particular legal protection for employee relationships in the workplace, whether they are

peer-peer relationships or supervisor-peer relationships, due the fact discrimination complaints can not be filed against such voluntary relationships.

Finally, Michael D. Karpeles, an expert in employment law, has made available for businesses several guidelines to help create thoughtful, enforceable, and legal office romance policies (Solomon, 1998:1):

- Do not place yourself in the position of chaperone trying to enforce unreasonable rules
- Be realistic
- Remember, you are creating policies regarding the private lives of adults, not lovesick adolescents
- Create written policies about dating and family relationships
- Be sure that practices are uniform and do not discriminate based on marital status
- Stress that when employees report their relationships to their managers, those individuals must keep the information confidential
- In general, prohibit employees in close personal relationships from working in supervisor/subordinate roles
- Consider requiring that employees in close personal relationships refrain from public displays of affection
- Be certain all guidelines and policies are reviewed by legal counsel to be sure they comply with federal, state and local laws
- Communicate these policies, and have managers hold question-and-answer sessions

## **Conclusion**

So far we have looked in detail at the issue of office romances or fraternization in the private sector. We began by discussing how historically office romances were strictly prohibited. But we have also seen that due to recent changes in the workforce population and duration of a typical work week, these old ways of thinking have gradually been changing. Human resource professionals have various opinions about whether office romances should be permitted or not. Some professionals say office romances are good for productivity, while others say organizations should ban office

romances outright. The courts have provided limited counsel on office romances and the policies governing them.

The next chapter describes a methodology for gathering information relevant to the issue of determining what exactly is being done in the private sector in regard to fraternization and office romances.

### **III. Methodology**

In Chapter Two the military opinion and the various civilian opinions about the issue of fraternization were discussed. Now it is time to determine what exactly is being done in the private sector in regards to fraternization. To make this determination, a research methodology was developed. This chapter discusses what research method and what types of data are used to determine how fraternization is currently regulated in the private sector. In addition, the methodology addresses what mode of analysis is used to evaluate the data to develop a theory about fraternization regulation in civilian organizations. Based on this theory, a comparison is made in Chapter Five between the current Department of Defense fraternization policy and fraternization policies in use in the private sector.

#### **Procedures**

A qualitative research method determines what private sector or civilian business, corporations, and organizations are doing to address the issue of fraternization or dating in the workplace. Developed in the social sciences, qualitative research methods are used to study social and cultural phenomena (Myers, 1999:2).

**Grounded Theory.** There are various qualitative research methods. In general, a research method is a strategy of inquiry which moves from the underlying philosophical assumptions to research design and data collection. The choice of research method influences the way in which the researcher collects data. For the purposes of this investigation, the grounded theory research method is implemented. The grounded

theory research method seeks to develop theory that is grounded in data systematically gathered and analyzed (Myers, 1999:7). Grounded theory has also been called an inductive, theory discovery methodology that allows the researcher to develop a theoretical account of the general features of a topic while simultaneously grounding the account in empirical observations or data (Myers, 1999:8). Grounded theory suggests that there should be a continuous interplay between data collection and analysis.

Qualitative data sources are examined to find out how civilian organizations are handling the issue of fraternization or office romances. Qualitative data sources include observation and participant observation (fieldwork), interviews and questionnaires, documents and texts, and the researcher's impressions and reactions. Using a qualitative research method and qualitative data sources, a three-fold investigative approach is used to develop a theory on how civilian organizations currently address the issue of fraternization or dating in the workplace:

1. Surveys and studies accomplished by several Human Resources consulting firms are examined. The surveys were developed to ask various organizations about workplace romances and what is being done to regulate them (if anything is being done at all). This data was collected through various Human Resource Internet sites.
2. The findings of several articles written recently on workplace dating policies and relationships between supervisors and subordinates are discussed in detail. All articles were retrieved from the Internet.
3. Based on questions asked in the surveys previously mentioned, several local, national, and federal organizations were asked through telephone interviews

(1) if they had a fraternization or dating policy, (2) if a supervisor can have a relationship with a subordinate, and (3) if there were any other restrictions pertaining to who a person can date in the workplace.

**Mode of Analysis.** Qualitative modes of analysis are concerned primarily with textual analysis. For the purposes of this investigation a semiotic mode of analysis is used. Semiotics is primarily concerned with the meaning of signs and symbols in language. The essential theory of semiotics is that words/signs can be assigned to primary conceptual categories. The importance of an idea is revealed in the frequency in which it appears in the text. The form of semiotics used for analyzing the information that is gathered in this study is content analysis. Content analysis is a research technique for making replicable and valid references from data to their contexts. The researcher searches for structures and patterned regularities in the text and makes inferences based on the basis of these regularities (Myers, 1999:9).

Using the semiotic approach, the information presented in Chapter Four is consolidated and analyzed for patterned regularities about how fraternization is regulated in the private sector. Based on whatever regularities are found, inferences are made and a final theory developed in Chapter Five to answer the question of how the current Department of Defense fraternization policy compares with fraternization policies in use in the private sector.

The theory developed about what is currently being done in the private sector in regards to fraternization and workplace romances should be a comprehensive and valid theory because: (1) a variety of businesses of various sizes from across the country participated in the surveys administered by the Human Resources consulting firms;

(2) the articles address several private sector organizations not mentioned in the human resource studies; and (3) specific places of business with a similar background, organization, and mission of the military are addressed.

Again, the key investigative questions that are answered based on the theory developed are whether or not civilian organizations regulate fraternization or employee relationships, and if different areas of the private sector regulate fraternization or employee relationships differently than other areas. Specifically, we determine how civilian or private sector businesses view fraternization, whether it is important enough to regulate or prohibit, and if the particular “mission” of a civilian organization determines the degree to which fraternization is regulated. We also determine how different organizations with a strict fraternization or dating policy discipline or punish workers involved in such relationships.

To help present some of the findings made in the Chapter Four, a matrix is constructed in Chapter Five to demonstrate how various organizations handle the issue of fraternization. The matrix shows whether organizations have a fraternization policy (written or unwritten), whether office dating is allowed or restricted, and whether or not a supervisor can date a subordinate.

Using the findings made in the Chapter Four and the discussion of the military’s position on fraternization discussed in Chapter Two, we answer the research question: “How does the current Department of Defense fraternization policy compare with fraternization policies in use in the private sector?”

## **IV. Findings**

This chapter presents the findings of the three-fold investigative approach discussed in chapter three. These findings determine what exactly is being done in the private sector in regards to allowing or prohibiting office romances and/or fraternization. This chapter begins with a detailed discussion of the findings of several surveys administered by Human Resource consulting firms. Next, the findings of several articles written on office romances are discussed followed by a summation of what was found when several local, national, and federal businesses/organizations, some similar to the military in terms of mission and organization, were questioned about fraternization and prohibiting office romances.

### **Step One: Human Resource Survey Findings**

Overall, there have not been many investigations or surveys about workplace romances and policies prohibiting them. Fortunately, three recent surveys were conducted. The first survey, created and administered by The Society for Human Resources Management (SHRM), is titled "SHRM Workplace Romance Survey." The SHRM foundation is a nonprofit organization established in 1966 to fund and support applied research, publications, scholarships and educational programs to help human resource professionals prepare for the future. SHRM is the world's largest human resource management association and is the leading voice of the human resource profession. SHRM currently provides services to more than 90,000 professional and student members around the world.



The survey funded by the SHRM foundation was distributed to 2,750 randomly selected SHRM members in January 1998; the results are based on the responses of 617 human resource professionals. Demographics of the respondents were as follows:

**Table 1. Total Number of Employees in Unit—SHRM Survey (SHRM Workplace Romance Survey, 1998:2)**

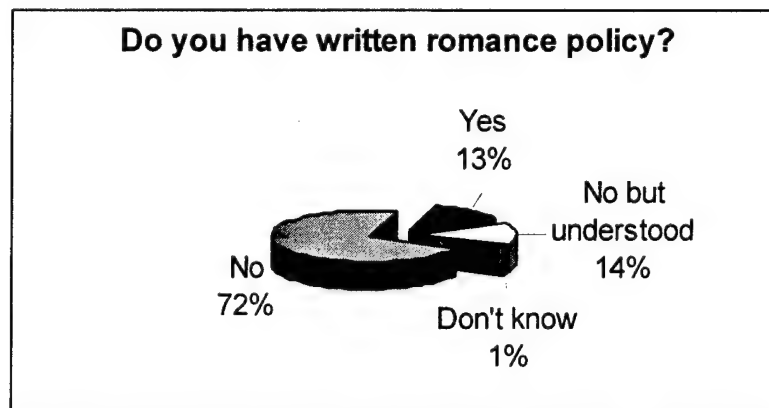
Fewer than 100 employees	15%
100 to 250 employees	27%
251 to 500 employees	21%
501 to 1,000 employees	13%
1,001 to 2,500 employees	13%
2,501 to 5,000 employees	5%
More than 5,000 employees	3%
No answer	3%

**Table 2. Type of Organization—SHRM Survey (SHRM Workplace Romance Survey, 1998:2)**

Manufacturing	29%
Health services	11%
Business and professional services	9%
Finance, insurance and real estate	8%
Nonprofit	7%
Government	5%
Education	4%
Other	27%

Other organizations that responded to the survey include such diverse fields as retail, construction, distribution, telecommunications, transportation and publishing. In addition to ensuring many different types of organizations had an opportunity to respond to the survey, SHRM sent the survey to every part of the United States: New England, Middle Atlantic, South Atlantic, East North Central, East South Central, West North Central, West South Central, Mountain and Pacific.

**Results of SHRM Survey.** According to SHRM, workplace romance is a reality of business life and an issue that creates uncertainty for most business managers as they attempt to juggle the rights of consenting adults with policies, written or unwritten, that frown upon workplace romance (SHRM Workplace Romance Survey, 1998:3). When asked if their organizations have a written policy to address workplace romance, the majority (72 percent) of the respondents said no. Respondents from organizations with fewer than 300 employees (78 percent) were more likely to have a written policy than were respondents from organizations with 300 or more (68 percent). The complete results of this particular question are as follows:



**Figure 1. Summary Chart of Written Romance Policies—SHRM Survey (SHRM Workplace Romance Survey, 1998:3)**

Respondents who reported having either a written policy or an unwritten, but understood policy addressing workplace romance at their organizations were asked a series of detailed questions about their policies. They were first asked to indicate which of a number of statements best characterized their organizations' policies on workplace romance. More than half (55 percent) of the respondents said romances are permitted but

discouraged, and nearly a third (32 percent) said their policies simply permit romance. Work place romance is prohibited at only 7 percent of the respondents' organizations.

Respondents whose policies either discourage or prohibit workplace romance were asked to indicate why. The most frequently cited reason for discouraging or prohibiting workplace romance was the potential for claims of sexual harassment, cited by nearly nine out of 10 respondents (88 percent). Three out of four respondents said they discourage or prohibit workplace romance because of potential retaliation if the romance ends (75 percent), and six out of 10 respondents (60 percent) said concerns about the morale of co-workers have led them to discourage or prohibit workplace romances. Nearly half of the respondents (46 percent) discourage or prohibit workplace romance because of concerns of low productivity and four out of 10 respondents (40 percent) because they view it as unprofessional.

Respondents who reported having either a written or unwritten, but understood policy were asked if their policies impose any specific restrictions on romance. Findings are listed in Table 3:

**Table 3. Are Restrictions Imposed on Workplace Romance?—SHRM Survey (SHRM Workplace Romance Survey, 1998:4)**

Romances cannot be between a supervisor and subordinate	70%
Public displays of affection are prohibited	37%
Those involved in a romance may not be in the same department	19%
Those involved in a romance must inform supervisors	15%
Romances cannot be between employee and customer/client	13%
Those involved may not report to the same supervisor	11%
No, there are no restrictions	8%
Romances cannot be between employees of significant rank difference	6%

Survey respondents were also asked if employers should have the right to prohibit workplace romances between employees. Just over half (54 percent) said it depends on the situation, and nearly three out of 10 (28 percent) said employers should not have the right. Fourteen percent said employers should be allowed to prohibit romance between employees and the remaining respondents were unsure.

Violators of workplace romance policies often face consequences. Of those organizations that have either written or unwritten, but understood policies addressing workplace romance, more than four out of 10 (42 percent) said employees who violate the policy may be transferred within the organization. Approximately one out of four respondents said violators could be terminated (27 percent), may be asked to attend counseling (26 percent) or receive a formal reprimand (25 percent). Seven percent said violators could face possible demotion and 25 percent said violators do not face any official consequences.

SHRM agrees with many others who say that a workplace romance, like any other romance, can have many different outcomes ranging from marriage to a bitter breakup. All of the survey respondents were asked to indicate if any of the following situations had occurred in the last five years at their organizations a result of a workplace romance:

**Table 4. Have the Following Resulted from a Workplace Romance?—SHRM Survey (SHRM Workplace Romance Survey, 1998:4)**

Those involved in the romance married	55%
Complaints of favoritism from co-workers	28%
Claims of sexual harassment	24%
Decreased productivity by those involved in the romance	24%
Complaints of retaliation when the romance ended	17%
Decreased morale of co-workers of those involved in romance	16%
Complaints of stalking when the romance ended	12%
Increased morale of those involved in the romance	5%
Claims of sexual harassment that led to litigation	4%
Increased productivity of those involved in the romance	1%
None of the above occurred in the last five years	18%

The SHRM survey also tried to answer the question of whether workplace romances affect productivity. According to survey results, workplace romance has little effect on the productivity of the employees directly involved in the relationship as well as the productivity of their co-workers. Approximately one out of four respondents (24 percent) reported noticing decreased productivity levels of those involved in a workplace romance in the past five years, and only three percent noticed a productivity increase in the couple. Similar findings were found with regard to co-workers of those involved in a romance. Eleven percent of those surveyed said they noticed productivity decreases in the co-workers and less than one percent noticed an increase in productivity of co-workers.

Workplace romance also tends to have little effect on morale levels, according to survey results. Eight percent of those surveyed said they have observed a decrease in the morale of employees involved in a workplace romance, compared to five percent of

respondents who had observed an increase in their morale. Sixteen percent noticed a decrease in co-worker morale.

As noted earlier, the most often cited reason by HR professionals for either discouraging or prohibiting workplace romance is the fear of sexual harassment claims. As we have seen in the previous table, 24 percent of organizations have had claims of sexual harassment brought against them as a result of a workplace romance. Respondents from organizations with over 300 or more employees (33 percent) were more likely to have received such claims and have litigation brought against them than organizations with fewer than 300 employees (14 percent).

Finally, according to nearly half of those surveyed (48 percent), the number of workplace romances has stayed about the same in recent years. However, 12 percent said they have experienced an increase in the number of workplace romances. Unfortunately, the majority of respondents (86 percent) reported that their organizations do not train supervisors on how to manage workplace romance.

**Results of Strategic Outsourcing, Inc. Survey.** Strategic Outsourcing is a full-service, human resources consulting firm specializing in outplacement, human resources contract services, outsourcing, executive recruiting, career counseling, training and employee assistance programs. Recently Strategic Outsourcing conducted a survey of human resource professionals on the issue of personal relationships in the workplace. Strategic Outsourcing has made the statement that personal relationships in the workplace have quietly surfaced as a problem that has caused major disruptions in many corporations. Background information or demographics about those surveyed are as follows:

**Table 5. Total Number of Employees in Unit--Strategic Outsourcing Survey**  
**(Strategic Outsourcing Survey, 1998:2)**

1 to 20	0%
21 to 50	6.8%
51 to 200	20.4%
201 to 500	36.5%
501 to 1000	15.9%
1001 to 5000	13.6%
5000 +	6.8%

**Table 6. Type of Organization--Strategic Outsourcing Survey**  
**(Strategic Outsourcing Survey, 1998:2)**

Manufacturing	17.7%
High-Tech	16.9%
Financial Services	9.8%
Service	9.4%
Insurance	6.9%
Communications	5.4%
Government	1.1%
Other	32.8%

(Other industries surveyed include retail, transportation, computer, education and bio-tech)

The survey by Strategic Outsourcing is slightly different from the SHRM survey because it begins by asking various questions about policies regarding the hiring of spouses, relatives, or significant others. According to those surveyed, 60 percent had a policy in regard to hiring within the company, 72 percent had a policy in regard to hiring within the same department, and 70 percent had a policy in regard to hiring within the same workgroup. Most policies forbade relatives and spouses from being in the same workgroup or having influence over performance appraisals, promotions, and incentive programs. Few firms had policies regarding significant others. Survey results showed

83.7 percent of those surveyed had a policy prohibiting any employee from being supervised by a spouse, relative, or significant other. Some who responded noted that they had practices that prohibited such activities, but no formal policies.

With regard to having policies about dating among co-workers, 91.3 percent did not have such a policy. Of those eight percent who did have a policy, some frequently mentioned policies stated that senior staff could not date employees, and a policy that states that if co-workers in the same department marry, one must transfer elsewhere in the company. The major theme emphasized was that dating is discouraged, but impossible to police or control. Surprisingly, approximately 70 percent of those organizations surveyed allowed a supervisor to date an employee within the organization, including his/her subordinates.

According to the survey, nearly every respondent reported that management is greatly concerned about the issue of personal relations in the workplace. Such relationships can have serious repercussions and result in a breakdown in confidentiality and objectiveness, disruption in productivity, excessive socializing, preferential treatment, co-worker resentment, questions of credibility, marital conflicts, and the most obvious fear, charges of sexual harassment. Overall, most companies will tolerate healthy personal relationships. It is when the romance goes sour that ugly problems can surface. According to survey results, 93 percent of respondents believe that sexual harassment continues to be a significant issue for U.S. companies, but only 24 percent had any formal sexual harassment complaints in their organization in the past year.

**Results of American Management Association Survey.** The American Management Association (AMA), founded in 1923, is a nonprofit, membership based



educational organization that assists individuals and enterprises in the development of organizational effectiveness. AMA conducts its activities in North and South America, the Pacific Rim, East Asia, Europe and the Middle East. Currently, approximately 70,000 people are members of the AMA. In December 1994 AMA conducted an overnight fax poll about office romances for an article they were going to publish in Money Magazine. 485 businesses of various sizes from around the United States responded to the survey.

Of the 485 organizations surveyed, only 5.7 percent, representing 28 firms, had a written policy on employee dating and a mere 0.4 percent, representing 2 companies, barred all employees from dating. Among those companies that had a written policy, most permitted dating among peers but prohibited dating among superiors and/or subordinates (three percent of all firms, 57 percent of those with written policies). This trend seemed to follow the personal opinions of those surveyed: 74 percent said it is appropriate to date a co-worker but only 23 percent approved of dating a superior, and 21 percent approved of dating a subordinate. However, 30 percent of managers responding acknowledged having at least one office liaison of their own.

Most respondents of either gender have never had an office romance (75 percent), but women are nearly twice as likely as men to report such an experience. Specifically, only 24 percent of all respondents say they have had a romantic relationship with an office colleague. Compared with 20 percent of men, 37 percent of women report at least one such romance, with 15 percent of women having more than one relationship. While dating among peers is most common, men are far more likely to date subordinates, and women are more likely to date peers or superiors.

No matter what type of romantic relationship transpired, few firms took official action against one or both romantic partners. If a relationship occurred, 84 percent resulted in no official action by the organization, 2.6 percent received a warning or reprimand, and 3 percent were transferred. According to those surveyed, 38 percent of office romances ended in marriage or long-term partnership that continues to the present, and 11 percent said it led to a marriage that has since ended. As mentioned earlier, 48 percent of the romances were short-lived.

**Findings of Other Surveys.** Two other smaller studies were conducted recently. In 1998, a survey administered by the Alexandria, Virginia-based Society for Human Resource Management found 70 percent of companies surveyed from Alexandria, Virginia prohibited romantic relationships between supervisor and subordinate, 37 percent prohibit relationships within the same department, and only 4 percent prohibit all romantic relationships (Solomon, 1998:4). Most recently, a survey called Love@Work was administered by American Online and received responses from 7,000 individuals. The survey found that 71 percent of the respondents had dated someone at work, and 50 percent of managers had dated subordinates (Solomon, 1998:3).

## **Step Two: Findings of Office Romance Articles**

**Spouse Policies.** Human Resource consulting firms are not the only agencies investigating employee dating in today's workforce. Several articles have been written recently addressing this issue. According to the Austin Business Journal, the most common policy for those companies that even have such a policy is that a person cannot work under a spouse. This type of policy is implemented to avoid jealousy among other

workers who believe a supervisor is giving their spouse a favorable evaluation when the spouse does not actually deserve one (Toboada, 1997:1).

**Dating Discouragement and Unwritten Rules.** For all other possible situations or dating scenarios, many businesses do not prohibit dating outright but choose rather to discourage it to avoid potential problems. Such discouragement sometimes takes the form of generally accepted practices or standards of behavior employees are expected to observe. For example, according to Jeffrey A. Norris, president of the Equal Opportunity Council, some big corporations discourage a very senior executive from fraternizing with a new, young employee. Affairs between those with significant differences in power can sometimes lead to dismissal of the senior executive.

As we have seen from the surveys discussed earlier, many organizations have unwritten rules when it comes to employee dating. For example, the Internal Revenue Service (IRS) does not have a policy governing the love lives of its employees. Daniel Sackheim, public affairs officer, said there is nothing in writing about dating at the IRS, which has 1,500 permanent employees and 3,000 at tax time (Crabtree, 1998:3). An unwritten law, however, mandates that managers can not date those whom they manage. Managers are also supposed to report any dating of subordinates to their boss. The outcome is typically a reassignment of the subordinate because subordinates tend to be easier to place.

Other organizations choose to judge each office romance on a case by case basis. Such a philosophy is exemplified at Lucent Technologies in North Andover, where about 5,500 people work. Lucent Technologies has no dating policy, but an emphasis on professional behavior exists. If a romance were to flourish between superiors and

subordinates, it would be handled on a case by case basis and resolved in the best way possible for those concerned. If a relationship became ugly and affected the work of those involved, measures would be taken to protect the company. According to spokesman Terry Romano, the company does not interfere in the private lives of its employees but also does not want to jeopardize the business (Crabtree, 1998:5).

**Written Policies.** If there is a trend towards having written no-fraternization policies in the private sector, it can be seen in many of today's universities. Harvard, for example, has a current policy warning that a romantic involvement between any instructor and his/her students makes the instructor liable for personal action against him/her (Gosselin and Robinson, 1998:3). A university spokesman said sanctions range from informal counseling to job termination. At the University of Virginia, penalties range from oral admonition to discharge. Other schools that have banned or restricted similar relationships include Tufts University, Amherst College, the College of William and Mary and the University of Iowa (Gosselin and Robinson, 1998:4).

Some major companies are moving in the same direction. For example, Atlanta-based UPS, which employs 338,000 personnel, has a written policy barring relationships between superiors and subordinates. At New York-based American Express, executives are prohibited from managing any individual with whom the employee has a close personal relationship. Violations of this policy are punishment up to and including dismissal. At Westborough, Massachusetts-based Staples, executives are barred from having intimate, romantic, or sexual relationships when they directly supervise an employee, or can influence his or her pay or working conditions. One notable victim of

this policy is former Staples president Martin Hanaka, who had to resign in 1997 after an internal investigation found that his relationship with a subordinate violated the company's "no fraternizing" rule (Gosselin and Robinson, 1998:3).

**Extreme Written Policies.** Some businesses have taken the concept of regulating employee relationships to extreme levels. Many are reactions to sexual harassment claims highly publicized by the media, specifically the Anita Hill/Clarence Thomas hearings. Scurrying to protect themselves, senior executives had attorneys draft agreements for their potentially romantically involved employees to sign, stating that quarreling lovers will submit to binding arbitration rather than sue the company (Solomon, 1998:1). One city agency in California requires disclosure before the first kiss and supposedly a Midwest firm prohibits eye-to-eye contact with the opposite sex for longer than 30 seconds (Solomon, 1998:2).

**Fresh Approaches: The Remedy Corporation.** The cases previously mentioned are not the norm. Currently the trend for some modern corporations, like the Silicon Valley-based Remedy Corporation, is to implement a policy or practice matching the corporate structure. At corporations like Remedy, workers are a close knit group and it is not unusual for there to be lots of small parties among the 700 employees or groups of employees who go to Disneyland, play miniature golf or even attend slumber parties. These outside activities help people let off steam and establish a new level of communication within the group but they also increase the possibility that two people are going to find a synergy between themselves professionally and personally (Solomon, 1998:5).

Remedy has a brief written statement regarding romance between co-workers which was established early in the company's history. It is not a formal, strict business environment, and the practice mirrors the corporate structure. According to the statement, sweethearts can not be in the same reporting structure and one can not have undue influence over the other's career (Solomon, 1998:6). Furthermore, since communication is so highly valued in the company, individuals are encouraged to be open about their relationships, and company celebrations frequently herald a new wedding or engagement among co-workers. The policy fits the personality of the group and recognizes the complexities of relationships by not over-regulating situations that can not be anticipated.

One of the reasons Remedy's romance policy works is because the organization also has a clear, firm policy regarding sexual harassment. The company has had very few sexual harassment complaints, but takes immediate action when it does, so the situation does not escalate. Both managers and employees are taught that one of the best ways to prevent any sort of harassment is to articulate the discomfort to a supervisor promptly. The underlying assumption is that everyone is adult and can be honest and forthright.

But honest and forthright adults in the workplace are not assumed everywhere. Many sexual-harassment complaints result from consensual relationships gone bad. If a company prohibits office romances, the employer usually does not know what is going on among his or her employees until after a consensual relationship breaks up and someone makes sexual harassment claims. For this reason, the more enlightened employers are creating policies that allow for consensual relationships, but require the most senior person involved to disclose if it is between a superior and subordinate.

The Newark, New Jersey law firm of Gibbons, Del Deo, Dolan, Giffinger and Vecchione, who specialize in employment law, is a good example of an organization that tries to avert disasters by avoiding unreasonable practices. The firm does not prohibit romantic relationships but does have a policy which is always communicated upon hiring:

Those who engage in consensual relationships should be aware that concerns may later arise regarding the actual freedom of choice of one of the parties, particularly when a superior/subordinate relationship exists between them. In these cases, the firm requires the senior-ranking person to disclose the relationship to the co-chairs of the Diversity Committee. (Solomon, 1998:6)

Disclosure serves two purposes. First, the firm can confirm with the participants of the relationship that it is, in fact, consensual and that there is no intimidation or pressure on the junior person. If the relationship ever goes bad, no one can say the person in the more senior position forced the subordinate into the relationship. Second, the policy ensures that the supervisor has no input into the junior person's workload and raises. Either the reporting structure would alter or one of the individuals would change departments. The policy also requires employees to notify the co-chairs if the relationship terminates or no longer is consensual

Overall, organizations are trying to manage relationships in ways that maintain productive, happy workforces while not trying to overly intrude into the employees' private lives. Of course, while the examples given provide some insight on what is being done in the private sector, the policies for one company can not be lifted and completely adopted by another because policies must be tailored to the type of employees and the nature of the corporate structure. Once reasonable guidelines are created, they must be communicated clearly and frequently to employees.

### **Step Three: Focused Sample**

**Dayton Area Businesses.** Based on the questions asked in the several Human Resource surveys discussed in part one, I personally questioned twenty businesses in the local area about their office romance policies. First I was able to gather a list of the top twenty businesses in the Dayton, Ohio area as compiled by Arthur Andersen LLP and posted in the Wright-Patterson Air Force Base Family Support Center. The names of the businesses are listed in an Appendix at the conclusion of this document. I called each organization and attempted to talk to Human Resource personnel, and for those who did not have Human Resource personnel, I talked with the person who answered the telephone to randomly ask personnel if their organization had a dating policy and if supervisors were permitted to date subordinates.

Each Human Resource professional stated unequivocally that his or her organization did not have an office dating policy. After hearing this response, I asked each person if a supervisor could or could not date a subordinate or lower level employee. Each organization questioned did not forbid this activity from occurring, but also stated such behavior was not encouraged either. Not surprisingly, each organization did have a sexual harassment policy and tried to educate its workers on the policy. None of the non-human resource personnel I talked to knew if their organization had a dating policy or not. As far as each person knew, anyone in the organization could date whomever they wanted, as long as it did not disrupt the productivity of the office or workplace.

**Non-Dayton Area Businesses.** Non-Dayton area businesses were also questioned. One of the largest and most profitable corporations in the United States over the last couple of years has been Microsoft Inc. According to a current employee of the



organization, Microsoft does not have an office dating or fraternization policy. Through the Internet I was able to communicate with a spokesman from Pepsi-co who stated that he did not know of any such "corporation wide" policy forbidding employee dating or fraternization.

**Federal Agencies.** Considering the fact that the Department of Defense is technically a federal agency, several federal agencies were questioned about their dating policies. We have already seen that the IRS does not have an actual written policy, but rather an unwritten law mandating that managers can not date whom they manage. The Federal Bureau of Investigation (FBI), a division of the Department of Justice, also does not have a fraternization or dating policy. According to Edward Boudt, Principal Legal Advisor for the Cincinnati branch of the FBI, any agent can date whomever they choose, no matter if the other person is another agent, a supervisor, or any of the support personnel (clerks, paralegal). Boudt stated that quite a number of agents are married to each other and throughout the FBI there are several marriages between supervisors, agents, and support personnel.

Other federal employees questioned were members of the United States Post Office and the United States Department of Agriculture (USDA). According to Communications Director Lee Whithers, the United States Post Office does not have a written fraternization or dating policy, but relationships between superiors and subordinates in the same chain of command are discouraged. According to USDA public relations spokesman Victor Powell, the USDA does not have a fraternization or dating policy and overall there are no restrictions on whom a person can date in the USDA.

**Police/Ohio State Patrol.** All of the findings in this chapter have been made regarding a wide variety of civilian institutions. However, none of the surveys or findings dealt with organizations with a similar type mission to the military. The organization with the most resemblance to the military in the private sector is the police due to the fact that both are regimented by nature and that members in both organizations have a mission where members may be called to put their life on the line. United States Air Force Captain Frank Long, who worked as a North Carolina police officer for several years before receiving his commission, claims that while he was a police officer in the early nineties there was not a policy forbidding dating among police officers. According to Captain Long, any police officer could date another police officer regardless of the officer's rank (Long, personal communication: 1999). As a follow up to these findings, I called the Ohio State patrol and spoke to the Officer in Charge (OIC). According to the Lieutenant, the Ohio State patrol does not have a fraternization policy. The OIC said that as long as the relationship did not affect either officer's performance of duty, any member of the Ohio patrol could date another member of the patrol, regardless of rank.

### **Summary**

We have looked in detail through various sources at what is being done in the private sector in regards to allowing or prohibiting office romances and/or fraternization. Based on the findings in this chapter and the methodology developed in Chapter Three, we will now proceed to Chapter Five to determine how the current Department of Defense fraternization policy compares with fraternization policies in use in the private sector.

## V. Conclusions

Using a qualitative, semiotic analytical approach discussed in Chapter Three, this chapter answers the following questions proposed in chapter one:

1. Do civilian organizations regulate fraternization or employee relationships?
2. Do different areas of the private sector handle fraternization or employee relationships differently than other areas?

From the answers to these two questions we will answer the research question:

“How does the current Department of Defense fraternization policy compare with fraternization policies in use in the private sector?”

### **Do Civilian Organizations Regulate Fraternization or Employee Relations?**

When discussing fraternization in the private sector, one must determine an organization's position or policy regarding employee dating. Few organizations use the term fraternization, but rather choose to address the issue of office romance. Over 1100 private sector organizations were asked by various Human Resource agencies if they had written policies addressing office romances. Results of the surveys are listed in the following table (note: the last three columns apply only to agencies with policies):

**Table 7. Results of Human Resource Agency Surveys**

<u>Survey</u>	<u>No fraternization/ dating policy</u>	<u>Written Policy</u>	<u>Unwritten Policy</u>	<u>Dating Discouraged</u>	<u>Bans All Dating</u>	<u>Prohibits supervisor/ subordinate dating</u>
SHRM	72%	13%	14%	55%	7%	70%
Strategic Outsourcing	91.30%	8.7%	0%	N/A	N/A	30%
AMA	94.3%	5.7%	N/A	N/A	7.1%	57.1%

According to the Society of Human Resource Management, 72 percent of private sector businesses did not have a written policy; according to Strategic Outsourcing Inc., 91.3 percent did not have such a policy; and according to the American Management Society, 94 percent of businesses questioned did not have such a policy. Respondents with under 300 employees were more likely to have a written policy than respondents from organizations with 300 or more employees. According to survey results, there appeared a pattern among private sector businesses of not having written fraternization policies.

Specific organizations were also discussed or questioned in regards to their fraternization or dating policies. Results are listed in the following table/matrix (note: as with the last table, the last three columns apply only to agencies with policies):

**Table 8. Results of Articles and Focused Sample**

<u>Organization</u>	<u>Fraternization/</u>			<u>Dating</u>	<u>Bans</u>	<u>Discourages supervisor/</u>
	<u>dating policy</u>	<u>Written</u>	<u>Unwritten</u>	<u>Discouraged</u>	<u>All Dating</u>	<u>subordinate dating</u>
USAF	Yes	Yes	No	No	No	Yes
IRS	Yes	No	Yes	No	No	Yes
FBI	No	No	No	No	No	No
USDA	No	No	No	No	No	No
USPO	No	No	Yes	No	No	Yes
U.S. Postal Service	No	No	Yes	No	No	Yes
Ohio State Patrol	No	No	No	No	No	No
N. Carolina Police	No	No	No	No	No	No
Microsoft	No	No	No	No	No	No
Pepsi Cola Corp.	No	No	No	No	No	No
Remedy Corp.	Yes	Yes	No	No	No	Yes
Lucent Tech.	No	No	No	No	No	No
UPS	Yes	Yes	No	No	No	Yes
Staples	Yes	Yes	No	No	No	Yes
Dayton Freight	No	No	No	No	No	No
Modern Technology	No	No	No	No	No	No
Primus, Inc.	No	No	No	No	No	No
Harvard	Yes	Yes	No	No	No	Yes
Virginia University	Yes	Yes	No	No	No	Yes

Of those organizations surveyed who had policies in place to deal with office romances or had unwritten rules concerning office romances, most discouraged dating between a supervisor or senior staff and a subordinate within the same chain of command; a minority of businesses strictly forbid such behavior altogether. Some major corporations like American Express and Staples have taken steps to prohibit executives from having a relationship with subordinates and 70 percent of companies surveyed in Alexandria, Virginia prohibited romantic relationships between supervisor and subordinate. The most frequently cited reason for discouraging or prohibiting office romance of any type was the potential for claims of sexual harassment, potential retaliation if the romance ends, and the morale of the co-workers of those involved in a romance. The other trend in today's businesses is to either to judge each romance that occurs on a case by case basis, as was recommended by Dr. Pierce, or to encourage those in a relationship to communicate with their supervisors about the relationship.

Overall, a semiotic analysis of all the data finds that most private sector businesses do not regulate or prohibit workplace romances, lateral (peer-peer) or hierarchical (supervisor-subordinate). Employers try not to overly intrude on the private lives of their employees. For the most part, employees are free to date whomever they wish as long as the relationship does not affect productivity or job performance. Most private sector organizations find it better to simply discourage such relationships, especially between supervisors and subordinates in the same chain of command. Thus, a majority of the private sector does not appear to view fraternization as a serious concern.

## **Do Different Areas of the Private Sector Handle Fraternization or Employee Relationships Differently than Other Areas?**

As we have already seen, most civilian organizations do not regulate or prohibit fraternization and/or employee relationships. This finding is based on an analysis of surveys administered to a wide variety of organizations including such industries as manufacturing, financial services, communications, government, retail, transportation, computers, education and biotechnology. Even areas similar in organization and mission to the military like the highway state patrol choose not to regulate or prohibit fraternization. Thus, for the most part, all areas of the private sector appear to deal with fraternization in a similar manner.

An area of the private sector that deals with fraternization differently from the rest of society is higher education. Many universities, like Harvard and the University of Virginia, use the threat of expulsion to warn professors not to become romantically involved with students. In this case, the mission of providing education to young, impressionable students is impetus enough to ensure fraternization does not occur.

For other organizations besides higher education that regulate or prohibit employee relationships, handling of such situations tends to vary. When the romance involves a supervisor and his or her subordinate, some agencies choose to transfer one of the romantically involved persons or simply change the chain of command. Other courses of action, for either lateral or hierarchical relationships, include counseling sessions, formal reprimands, demotion, and possibly even termination. Recent studies have found a majority of reported relationships resulted in no official action by the organization.

## **How Does the Current Department of Defense Fraternization Policy Compare with Fraternization Policies in Use in the Private Sector?**

The current Department of Defense fraternization policy is not similar to fraternization policies in use in the private sector. Most businesses in the private sector do not have policies in place to regulate or prohibit such relationships, or relationships in general. For the most part, it appears the military and the private sector view fraternization differently. Where the military believes such relationships are detrimental to the success of military operations, the private sector tends to be more concerned with the performance of its workers rather than who a person associates with off-duty.

Some areas of the private sector do have written policies banning relationships between executives and subordinates or between those with great differences in power or rank. For example, the policies currently being implemented by several universities are similar to AFI 36-2909 prohibiting personal relationships between officers and enlisted. Both explicitly ban inappropriate relationships and suggest various courses of action to be taken against violators of such policies. Universities appear to be more in line with the military view of fraternization than any other area of the private sector.

But such regulations are only for those involving senior staff, executives and professors. Views towards relationships between mid-level managers, or persons in supervisory positions, and employees, appear to constitute another difference between military and private sector thinking. As we have seen, AFI 36-2909 bans such relationships no matter if the supervisor is an officer or enlisted and regardless of chain of command. But the trend in the private sector, on the other hand, is to discourage such relationships and to ban supervisor-subordinate relationships only if the two persons are

in the same chain of command. Analysis of the data appears to show that most civilian organizations do not have a problem with a supervisor from one department engaging in a romantic relationship with someone, particularly a lower-level employee, from another department. Such thinking is more in line with how the Army used to regulate fraternization until several months ago. The Army allowed officers and enlisted to date as long as they were not in the same chain of command. Thus, the Army appears to have been more in line with the private sector in regards to regulating fraternization.

Some would argue the unique mission of the military deems it necessary to have a different view towards fraternization. The military mission sometimes involves inconvenience, hardships, injury and even death. Also, an officer must make important decisions affecting the lives of those under his or her charge. Thus, the military must regulate relationships between officer and enlisted to maintain the enlistee's trust and confidence in the decisions of the officers appointed above them.

However, the military is not the only way of life where members experience inconvenience, hardships, injury and death. The police forces face a potentially dangerous mission every day trying to uphold the law. In general, a police officer faces the possibility of injury or death on a daily basis more so than the average member of the Armed Forces does (this is of course depending on the location of the military personnel—this is a general statement about military members). Yet, the police do not find it necessary to prohibit fraternization in their workplace. The police provide an interesting example of how even civilian organizations with mission concerns similar to those of the military do not have fraternization policies comparable to military policies.



The last, and definitely not least, way in which civilian fraternization policies differ from the current Department of Defense policy is in punishment for violations of such policies. Under AFI 36-2909 an officer can be reprimanded in a variety of ways for being involved with an enlisted person. The officer involved always bears the greatest brunt of the punishment because an officer is supposed to set the example for his or her troops and is responsible for maintaining appropriate relations with enlisted personnel. AFI 36-2909 recommends such violations be handled at the lowest possible level with violators receiving either counseling or a reprimand that could possibly lead to demotion in rank. Such actions are similar to the actions taken against violators of office dating or fraternization policies in the private sector. However, many officers find themselves court-martialed for fraternization and faced with discharge or prison terms. Civilian organizations sometimes remove or dismiss personnel for such violations, but there is not a case on record of a civilian employee going to prison for fraternization or having an office romance.

### **Summary**

The new single service fraternization policy approved by Secretary of Defense William Cohen raised questions about the military's view towards fraternization, specifically how it compared with private sector or corporate thinking. To see if this was the case, this thesis examined how businesses and corporations in the private sector dealt with fraternization in the workplace. It was shown that office romances have been increasing over the years due to greater numbers of women in the workforce and people spending more and more time at work. Some people viewed office romances as

productive, while others believed such relationships were a major concern due to the problems that could result in the workplace during the relationship and after the relationship ends. Whether to prohibit or ban all office romances led to divergent opinions; some believed such actions were an invasion of privacy, while others believed it was a corporation's right. In the end it was determined that only a small number of businesses have a written policy banning employee dating or fraternization while others chose to simply discourage such relationships, especially when the persons were in the same chain of command.

### **Suggestions for Future Research**

This study focuses on fraternization as viewed by the United States Military and businesses in the United States private sector. Militaries and businesses of other countries were not addressed in this study. The following are suggestions for related research that might prove useful.

- Most Western nations have a military evolution similar to that of the United States. Do other Western nations have fraternization policies similar to that of the United States military? If so, what is the purpose of the policy and how does it compare to the United States military's policy?
- Eastern civilization has evolved in cultures dramatically different from Western culture. Have eastern nations developed a fraternization policy? If so, what is the purpose of the prohibition and how does it compare to the United States military's policy?

- Do businesses in other parts of the world find it necessary to enforce a fraternization policy? If so, do these policies compare to those of businesses in the United States?

## **Conclusion**

This thesis compared the policies in the private sector with current Department of Defense policies, illuminating differences in how each viewed and enforced fraternization regulations. Some military members might argue this difference in opinion is not important, because a change in society's standards does not necessarily imply the military's standards must also change. Proponents of this theory believe that what unifies our profession and links us to our predecessors is an adherence to an unchanging code of duty, honor and country (Lewallen, 1998:3). But a comparison is important because the military can benefit from adopting accepted private sector standards. For example, women had been holding jobs in the private sector for years before the military allowed them to defend their country. Women have made many contributions as members of the military and have helped make the military the dynamic institution it is today. We must not hold on to the past so tightly that we ignore new ways of thinking that could possibly help us become a better organization.

## **Appendix: Top Twenty Businesses of Dayton, Ohio**

1. Primus, Inc.
2. The Iams Company
3. The Danis Companies
4. The Antioch Company
5. Danis Building Construction Company
6. O-Cedar Brands, Inc.
7. The Gem City Engineering Company
8. Rapid Design Service, Inc.
9. Gosiger Inc.
10. Shook National Corporation
11. Modern Technologies Corporation
12. Henny Penny Corporation
13. Miami-Luken, Inc.
14. Arkay Industries, Inc.
15. Woolpert LLP
16. Victory Express, Inc.
17. Lion Apparel, Inc.
18. Becker Electric Supply
19. Dayton Freight Lines, Inc.
20. Norman-Spencer-McKernan Agency, Inc.

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## Vita

Captain Jeffrey L. Frye was born on 10 July 1970 in Washington, Pennsylvania. He graduated from Fort Cherry High School in June 1988. He entered undergraduate studies at Grove City College of Pennsylvania where he graduated with a Bachelor of Arts degree in Political Science in May 1992.

Captain Frye joined the Air Force in July 1993 as an Airman First Class. His first assignment was at Whiteman AFB, Missouri where he served as an Intelligence Operations Apprentice for the 509<sup>th</sup> Intelligence Squadron. He attended Officer Training School at Maxwell AFB, Alabama in 1995 where he was recognized as a Distinguished Graduate and later awarded a Regular Commission. In October 1995 he was assigned to the 2d Transportation Squadron, Barksdale AFB, Louisiana where he served as a Combat Readiness and Vehicle Operations Officer. In May 1998, he entered the Graduate Transportation Management program, School of Logistics and Acquisition Management, Air Force Institute of Technology. Upon graduation he will be assigned to the 60<sup>th</sup> Aerial Port Squadron, Travis AFB, California.

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REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503.				
1. AGENCY USE ONLY (Leave blank)		2. REPORT DATE September 1999		3. REPORT TYPE AND DATES COVERED Master's Thesis
4. TITLE AND SUBTITLE A COMPARISON OF DEPARTMENT OF DEFENSE AND PRIVATE SECTOR FRATERNIZATION POLICIES			5. FUNDING NUMBERS	
6. AUTHOR(S) Jeffrey L. Frye, Captain, USAF				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Air Force Institute of Technology 2750 P Street WPAFB OH 45433-7765			8. PERFORMING ORGANIZATION REPORT NUMBER  AFIT/GTM/LAC/99S-2	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) N/A			10. SPONSORING/MONITORING AGENCY REPORT NUMBER	
11. SUPPLEMENTARY NOTES				
12a. DISTRIBUTION AVAILABILITY STATEMENT Approved for public release; distribution unlimited.			12b. DISTRIBUTION CODE	
13. ABSTRACT (Maximum 200 words)  This thesis explores how the new Department of Defense fraternization policy compares with fraternization policies in use in the private sector. To examine this issue, a detailed discussion of the military and non-military position on fraternization is provided, specifically the non-military position towards workplace romances or dating between co-workers. This thesis then looks at the findings of several studies, surveys, and inquiries to determine how fraternization is currently regulated in the private sector.  The results of this study show a majority of commercial organizations do not have written policies prohibiting employee relationships, whether they are peer-peer or supervisor-subordinate relationships. Results of the findings show that the private sector discourages supervisor-subordinate relationships only and tends to ban such relationships if the two persons are in the same chain of command. On the other hand, the new Department of Defense policy bans supervisor-subordinate relationships no matter if the supervisor is an officer or enlisted and regardless of chain of command. Such findings indicate that the Department of Defense and the private sector do not have similar policies in place to regulate fraternization.				
14. SUBJECT TERMS Fraternization Policy, Department of Defense, Private Sector, Human Resource			15. NUMBER OF PAGES 66	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT  UNCLASSIFIED	18. SECURITY CLASSIFICATION OF THIS PAGE  UNCLASSIFIED	19. SECURITY CLASSIFICATION OF ABSTRACT  UNCLASSIFIED	20. LIMITATION OF ABSTRACT  UL	

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